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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,915	10/04/2000	Ira A. Kronenberg	KRONA01/00	7233

27988 7590 04/29/2004
JOSEPH T. REGARD, LTD PLC
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MADISONVILLE, LA 70447-0429

EXAMINER

ZEENDER, FLORIAN M

ART UNIT PAPER NUMBER

3627

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/678,915

Applicant(s)

KRONENBERG ET AL.

Examiner

F. Ryan Zeender

Art Unit

3627

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004 and 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

An RCE was filed on 3/23/04. Claims 1-11 are withdrawn from consideration.
Claims 12-22 remain pending.

***In applicant's next reply, regarding claims 1-11, the terminology
"Previously Withdrawn" should accompany each claim (i.e., the claims should
not be grouped together).***

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 5 of claim 14, "said separate transmitter" lacks antecedent basis.

Claim Rejections - 35 USC § 103

Claims 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al. '800 in view of Sedam et al. '292.

Beard et al. disclose or inherently teach the limitations of the claims including: a communication system between a vending machine, service delivery vehicle, and a central management location (see, for example, columns 1 and 2) utilizing transceivers that transmit vending machine data; but lack the specific teaching of the data being sales, cash, and identity data transmitted from the vending machine and the data being further transmitted at "predetermined intervals".

Sedam et al. '292 teach a sales and cash monitoring system for identified vending machines (See, for example, Col. 2, lines 44-58), whereby data is received at predetermined intervals (Col. 2, line 47-48), to provide for a more efficient scheduling of routes (See Col. 1, lines 61-62), and utilizing radio communications for transmitting/receiving data (See Col. 3, lines 40-43).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beard et al. to have the data be sales, cash, and identity data transmitted from the vending machine and the data transmitted at "predetermined intervals", in view of Sedam et al., in order to "improve the efficiency of the use of manpower and equipment in vending supply operations" (See Sedam et al., Col. 1, lines 55-56).

*Re claim 19, step (b): Beard et al. teaches collecting data, **processing data**, and updating data (See, for example, claim 2) which meets applicant's limitation of "abbreviated" data as "**processing data**" often entails eliminating unnecessary information.*

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al. '800 in view of Sedam et al., and further in view of Howell et al. '644.

Beard et al. in view of Sedam et al. teach all of the limitations of the claim (see rejection above) except the use of DEX/UCS.

Howell et al. teach a similar vending machine system utilizing DEX/UCS (See Col. 4, line 36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beard et al. in view of Sedam et al. to use DEX/UCS, in further view of Howell et al., in order to establish an efficient communication (See Howell et al., Col. 2, lines 33+).

*Re claims 22, step (b): Beard et al. teaches collecting data, **processing data**, and updating data (See, for example, claim 2) which meets applicant's limitation of "filtered" data as "**processing data**" often entails eliminating unnecessary information. Further, Howell et al. teach information that is "organized" in terms of the needs of the user (See for example, Col. 2, lines 45-48) which also meets applicant's limitation of "filtered data".*

Response to Arguments

Applicant's arguments filed 2/19/04 have been fully considered and are convincing with respect to the Butler reference. However, the arguments with respect to the Beard et al. reference are not convincing in light of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113. The fax number is (703) 872-9326 for before-final communications.

Application/Control Number: 09/678,915

Page 5

Art Unit: 3627

F. Zeender
Patent Examiner, A.U. 3627
April 28, 2004



4/28/04